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[Ed. Note.—For other cases, see 17 Va.-W. Va. Enc. Dig. 220.]

Appeal from State Corporation Commission.

Petition by the Chesapeake & Potomac Telephone Company of Virginia for an increase in rates, opposed by the City of Richmond. From an order of the State Corporation Commission allowing petitioner pending investigation to charge increased rates fixed by the federal government during the time it had taken over the property of petitioner as a war-time measure, the City of Richmond appeals. Affirmed.

Geo. Wayne Anderson, of Richmond, for appellant.

John S. Eggleston, of Richmond, for appellee.

KIDD v. DE WITT.

Nov. 18, 1920.

[105 S. E. 124.]

1. Master and Servant (§ 330 (3)*)—Evidence Held to Show that Automobile Was Not Loaned to Servant.—In an action against an automobile owner for injuries from negligent driving by his chauffeur, evidence held to show that defendant did not loan his car to his cook, but authorized the chauffeur to carry the cook to visit her relatives and bring her back.

2. Master and Servant (§ 302 (1)*)—Automobile Owner Responsible for Negligence of Chauffeur Acting within Scope of Employment.—One seeking recovery against an automobile owner for injury caused by negligence of the chauffeur must not only establish the relationship of master and servant between the owner and the chauffeur, but, further, that the chauffeur at the time of the accident was about his master's business, and was acting within the scope of his employment.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 727, 728.]

3. Master and Servant (§ 302 (6)*)—Automobile Owner Not Liable for Negligence of Chauffeur, Driving for His Own Pleasure.—Where a chauffeur, under order of his master to transport another servant to a certain place on a visit and bring her back, reached the place at 3 o'clock and called for her at 5 o'clock, the master was not liable for injuries caused by negligence of the chauffeur in the interim, while he was joy-riding with a friend, and was neither going for nor returning with his passenger.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 729.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Error to Circuit Court, Amherst County.

Action by Harvey F. Kidd against Clinton De Witt, Jr. Judgment for defendant, and plaintiff brings error. Affirmed.

J. T. Coleman, Jr., of Lynchburg, for plaintiff in error.

Caskie & Caskie, of Lynchburg, for defendant in error.

STRADER v. METROPOLITAN LIFE INS. CO.

Sept. 16, 1920.

[105 S. E. 74.]

1. Executors and Administrators (§ 43*)—Title to Personal Passes to Personal Representative.—Goods, chattels, and sums of money all pass to the personal representative, and he alone has title in law to them, and legatee cannot take anything bequeathed to him without the personal representative's assent.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 516.]

2. Wills (§ 748*)—Legatee Cannot Sue to Recover Legacy without Consent of Representative.—Since title to personal property passes to the personal representative of a decedent, a legatee cannot maintain an action at law against a third person to recover the property bequeathed, notwithstanding that the estate has no debts.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 516.]

3. Insurance (§ 637*)—Pleading, Held Not Sufficient to Show Plaintiff Was Complete Owner of Policy.—In an action against an insurance company, assignee of a half interest in a life policy and by legatee of the other half, insurance being payable to decedent's estate, allegations that decedent "parted this life owing no debts, and, after making a will which has been duly probated, * * * he did leave and bequeath unto the said plaintiff the other one-half of policy of insurance, and whereby she, the said plaintiff, became and is the sole beneficiary under the said policy, and the complete owner thereof," held not to sufficiently charge that plaintiff was the complete owner of the chose in action sued upon, either by importing that the personal assent of the personal representative had been secured, or by allowing the presumption of such assent from plaintiff's possession of the policy.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 520.]

4. Wills (§ 748*)—Legatee of Personalty May Sue at Law to Recover It with Consent of Personal Representative.—A personal representative in the due course of administration may turn over to the

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.